

No. PD-0012-19

IN THE COURT OF CRIMINAL APPEALS
OF TEXAS

FILED
COURT OF CRIMINAL APPEALS
12/20/2019
DEANA WILLIAMSON, CLERK

THE STATE OF TEXAS,

Appellant

v.

DWAYNE ROBERT HEATH,

Appellee

AGREED MOTION TO EXPEDITE ISSUANCE OF MANDATE

Appellee Dwayne Robert Heath files this Agreed Motion to Expedite Issuance of Mandate and shows the Court:

I.

The Court issued its opinion today reversing the decision of the court of appeals because that court reversed the trial court's decision on a theory not raised by the State at trial or on appeal.

II.

The Court has the authority to expedite the issuance of the mandate to the court of appeals. TEX. R. APP. P. 18.1(c). The Court may do so if the parties agree or for good cause on a party's motion.

The State will not be filing a motion for rehearing because it agrees with this Court's decision and desires a decision on the merits by the court of appeals on the issues actually briefed in that court.

Good cause exists to expedite issuance of the mandate so the court of appeals can address the merits of the issues actually briefed.

III.

The parties have conferred. The State agrees and joins in this request to expedite issuance of the mandate.

Because the parties agree to expedite the issuance of the mandate and because good cause exists for doing so, Appellee (joined by the State) asks the Court to expedite issuance of the mandate. *See* TEX. R. APP. P. 18.1(c).

Accordingly, Appellee Dwayne Robert Heath asks the Court to grant this motion and issue the mandate immediately and grant such other relief to which he may show himself justly entitled.

Respectfully submitted,

/s/ Alan Bennett

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Joined and agreed to by the State of Texas:

/s/ Sterling Harmon

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